



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,194	06/05/2001	Kenneth L. Oakeson	10005667-1	5696

7590 11/07/2006

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER	
CHANDLER, SARA M	
ART UNIT	PAPER NUMBER
	3693

DATE MAILED: 11/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/873,194	OAKESON ET AL.	
	Examiner	Art Unit	
	Sara Chandler	3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 October 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This Office Action is responsive to Applicant's arguments and amendment after final for 09/873,194 (06/05/2001) filed on 10/11/06.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrases "the job ticket service capable of storing a job ticket" and "wherein the bidding service is capable of posting a notice of the job request" render the claim(s) indefinite because even if the claimed invention is "capable" of performing these functions it is not required to do so. Dependent claims 2-9 are rejected under the same rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1,2,6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huberman, U.S. Pat. No. 6,078,960 in view of Sklut, U.S. Pat. No. 5,790,119.

Re Claim 1: Huberman discloses an apparatus that stores bid information for services in a computer network, the computer network coupling processors and a client, wherein the client submits a job request for execution by one or more of the processors, comprising (Huberman, abstract; fig. 1):

a service bus coupled to the computer network, wherein the service bus is coupled to the client and the processors (Huberman, abstract, col. 2, lines 65-66, col. 3, lines 1-4, the service bus is inherent);

a job ticket service coupled to the service bus, the job ticket service capable of storing a job ticket related to the job request (Huberman, abstract, col. 3, lines 54-60, The broker provides a job ticket service by handling requests for document services on behalf of customers, suppliers, service bus is inherent);

a bidding service coupled to the service bus, wherein the bidding service is capable of posting a notice of the job request, and wherein one or more of the processors submit bids to complete the job request the bids comprising bid information, and wherein the

job ticket service stores winning bid information with the job ticket (Huberman, abstract, col. 3, lines 54-60, The broker also provides a bidding service because the suppliers can place competing bids to perform the job request, service bus is inherent), a job identifier identifying the job request to which the job ticket is related (Huberman, col. 3, lines 43+- col. 4, line 20, Job Identifier is inherent. The invention allows for multiple customers (e.g., individuals, companies, government departments etc.) to use the service and multiple services to be performed (e.g., printing, scanning, searching etc.). In order to give customers a specific price quote for each of their jobs there would need to be a job identifier to distinguish among the multiple services and customers). a service identifier identifying the job ticket service storing the job ticket (Huberman, col. 5, lines 15-19, e.g., name and internet address of the winning supplier); a task section defining the job ticket (Huberman, col. 3, lines 43+- col. 4, line 20 eg. printing, scanning, interpretation, text and image recognition etc.); and a control data section including at least programming to complete the job ticket (Huberman, col. 10, lines 3-18; col. 13, lines 12-36, "customer process 210a and supplier process 220a can execute the transaction automatically..." Inherently, there is a control data section including at least programming to complete the job ticket).

Huberman fails to explicitly disclose:

wherein the job ticket is stored as an object.

Sklut discloses:

wherein the job ticket is stored as an object (Sklut, abstract, col. 5, lines 52+ - col. 7, line 51; col. 13, lines 65+ - col. 14, lines 17; col. 15, lines 30-53).

Also, the job ticket is non-functional descriptive material. Nothing is done with the job ticket once it is stored and it has no effect on functionality. Thus, the manner in which the job ticket is stored (i.e., as an object) is irrelevant and since the specific attributes of the job ticket (i.e., job identifier, service identifier, task section, control data section) do not have functionality these features are not given patentable weight. See MPEP § 2106.01 [R-5].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Huberman by adopting the teachings of Sklut to provide an apparatus wherein the job ticket is stored as an object.

One would have been motivated to maintain quality by emphasizing the modularity available with objects and object-oriented programming.

Re Claim 2: Huberman discloses the apparatus of claim 1, wherein the bidding service comprises:

an evaluation module that evaluates the submitted bids (Huberman, col. 3, lines 54-60, the bids are evaluated according to price); and
an ranking algorithm that ranks the submitted bids on the basis of the evaluation (Huberman, col 3, lines 54-60; col. 4, lines 9-11, inherently there is a ranking algorithm because the lowest bidder or the lowest few bidders are identified thus, there is a way to order or rank the bids).

Re Claim 6: Huberman discloses the apparatus of claim 1, wherein the bid information is provided to the client, and wherein the client selects the winning bid (Huberman, col. 4, lines 9-13).

Re Claim 7: Huberman discloses the apparatus of claim 1, wherein the bidding service selects the winning bid (Huberman, col. 3, lines 54-60, the broker selects the supplier with the lowest bid).

Claims 3-5 and 9-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huberman, U.S. Pat. No. 6,078,906 and Sklut, U.S. Pat. No. 5,790,119 in view of Gindlesperger, U.S. Pat. No. 6,397,197.

Re Claim 3: Huberman fails to disclose the apparatus of claim 2, wherein the evaluation module comprises client-supplied evaluation criteria. Gindlesperger discloses an apparatus, wherein the evaluation module comprises client-supplied evaluation criteria (Gindlesperger, col. 5, lines 2-6, the buyers in his request for bid has vendor selection critieria). It would have been obvious to one of ordinary skill in the art to combine the teachings of Huberman, Sklut and Gindlesperger because the client is requesting that a job to be completed, and clients will not choose a business that is unable to fulfill the requirements of the job. Thus, there is a need for an evaluation module comprising client-supplied evaluation criteria.

Re Claim 4: Huberman fails to disclose the apparatus of claim 2, wherein the evaluation module comprises industry-standard evaluation criteria. Gindlesperger discloses an apparatus, wherein the evaluation module comprises industry-standard evaluation criteria (Gindlesperger, col. 5, lines 7-10; col. 6, lines 65-67; col. 7, lines 1-16, vendor capability data evaluates vendors on industry standard evaluation criteria). It would have been obvious to one of ordinary skill in the art to combine the teachings of Huberman, Sklut and Gindlesperger because the clients typically want cost effective

options and quality products and services. Compliance with industry standards is indicative of a businesses ability to meet these demands.. Thus, there is a need for an evaluation module comprising industry-standard evaluation criteria.

Re Claim 5: Huberman fails to disclose the apparatus of claim 2, wherein the ranking algorithm includes weighting factors. Gindlesperger discloses an apparatus, wherein the ranking algorithm includes weighting factors (Gindlesperger, col. 6, lines 33-36 and lines 54-58, In ranking the bids, weight is given to the number of vendors that have submitted a form disclosing vendor capability attributes, and the number of vendor's in the buyers bid pool that are approved for the transaction). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching Huberman; Sklut and Gindlesperger because both patents rank bids for printing and other document services and algorithms are used to compute order and/or ranking and weighting factors are used in statistics to distinguish between factors of varying degrees of importance.

Re Claim 9: Huberman fails to disclose the apparatus of claim 1, wherein the job ticket comprises multiple branches, wherein the bidding service posts a notice for one or more of the multiple branches, and wherein the bidding service determines a winning bid for each of the multiple branches. Gindlesperger discloses an apparatus, wherein the job ticket comprises multiple branches, wherein the bidding service posts a notice for one or more of the multiple branches, and wherein the bidding service determines a winning bid for each of the multiple branches (Gindlesperger, col. 5, lines 36-40). It would have been obvious to one of ordinary skill in the art at the time of the

invention to combine the teachings of Huberman, Sklut and Gindlesperger because a clients (e.g., clients of printing/document services) typically require multiple tasks to be completed in bundles(e.g., printing, shipping, binding) and posting notices improves competition and makes the process more cost effective.

Re Claim 10: Huberman discloses a method for using a job ticket service to store bid information for electronic services in a computer network, the computer network coupling processors and a client, wherein the client submits a job request for execution by one or more of the processors, comprising (Huberman, abstract, fig. 1): receiving a job request from the client (Huberman, col. 3, lines 54-60); posting a notice of the job request at a job ticket service center, the job ticket service center generating a job ticket corresponding to the job request (Huberman, col. 5, line s 4-6); receiving bids from one or more of the processors (Huberman, col. 2, lines 65-66; col. 3, lines 1-4; col. 5, lines 4-6); evaluating the bids (Huberman, col. 3, lines 54-60, the bids are evaluated according to price); a job identifier identifying the job request to which the job ticket is related (Huberman, col. 3, lines 43+- col. 4, line 20, Job Identifier is inherent. The invention allows for multiple customers (e.g., individuals, companies, government departments etc.) to use the service and multiple services to be performed (e.g., printing, scanning, searching etc.). In order to give customers a specific price quote for each of their jobs there would need to be a job identifier to distinguish among the multiple services and customers).

a service identifier identifying the job ticket service storing the job ticket (Huberman, col. 5, lines 15-19, e.g., name and internet address of the winning supplier);
a task section defining the job ticket (Huberman, col. 3, lines 43+ - col. 4, line 20 eg. printing, scanning, interpretation, text and image recognition etc.); and
a control data section including at least programming to complete the job ticket (Huberman, col. 10, lines 3-18; col. 13, lines 12-36, "customer process 210a and supplier process 220a can execute the transaction automatically..." Inherently, there is a control data section including at least programming to complete the job ticket).

Huberman fails to explicitly disclose a method comprising:

wherein the job ticket is stored as an object; and
selecting a winning bid, wherein the winning bid includes bid information; and storing the bid information with the job ticket.

Sklut discloses a method comprising:

wherein the job ticket is stored as an object (Sklut, abstract, col. 5, lines 52+ - col. 7, line 51; col. 13, lines 65+ - col. 14, lines 17; col. 15, lines 30-53).

Sklut fails to explicitly disclose a method comprising:

selecting a winning bid, wherein the winning bid includes bid information; and storing the bid information with the job ticket.

Gindlesperger discloses a method comprising: selecting a winning bid, wherein the winning bid includes bid information (Gindlesperger, col. 5, lines 24-35 A winning bid is selected, the bid information must be included with the winning bid because the non-selected vendors receive the bid results data for the vendor who won); and

storing the bid information with the job ticket (Gindlesberger, col. 5, lines 49-55, the bid information is stored with the job ticket because the winning bid/vendor's progress and/or completion of the job can be tracked. Thus, the bid information and the job ticket must be stored together).

Also, the job ticket is non-functional descriptive material. Nothing is done with the job ticket once it is stored and it has no effect on functionality. Thus, the manner in which the job ticket is stored (i.e., as an object) is irrelevant and since the specific attributes of the job ticket (i.e., job identifier, service identifier, task section, control data section) do not have functionality these features are not given patentable weight. See MPEP § 2106.01 [R-5].

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Huberman, Sklut and Gindlesperger because in auctions, bids for contract etc it is inherent that the submitted bids are evaluated and a best or winning bid selected. Furthermore, storing information regarding the winning bidder with the auctioned item, contract (e.g., job ticket) is customary as record of obligations (e.g., perform a service, pay). One would have been motivated to maintain quality by emphasizing the modularity available with objects and object-oriented programming.

Re Claim 11: Huberman fails to disclose the method of claim 10, wherein the evaluating step comprises evaluating the submitted bids against client-supplied evaluation criteria. Gindlesperger discloses a method, wherein the evaluating step comprises evaluating the submitted bids against client-supplied evaluation criteria

(Gindlesperger, col. 5, lines 2-6, the buyers in his request for bid has vendor selection critieria). It would have been obvious to one of ordinary skill in the art to combine the teachings of Huberman, Sklut and Gindlesperger because the client is requesting that a job to be completed, and clients will not choose a business that is unable to fulfill the requirements of the job. Thus, there is a need for client-supplied evaluation criteria.

Re Claim 12: Huberman fails to disclose the method of claim 10, wherein the evaluating step comprises evaluating the submitted bids against industry standard evaluation criteria. Gindlesperger discloses a method, wherein the evaluating step comprises evaluating the submitted bids against industry standard evaluation criteria (Gindlesperger, col. 5, lines 7-10; col. 6, lines 65-67; col. 7, lines 1-16, vendor capability data evaluates vendors on industry standard evaluation criteria). It would have been obvious to one of ordinary skill in the art to combine the teachings of Huberman, Sklut and Gindlesperger because the clients typically want cost effective options and quality products and services. Compliance with industry standards is indicative of a businesses ability to meet these demands. Thus, there is a need for industry standard evaluation criteria.

Re Claim 13: Huberman discloses a method comprising:
applying a ranking algorithm to the evaluated bids (Huberman, col 3, lines 54-60; col. 4, lines 9-11, inherently there is a ranking algorithm because the lowest bidder or the lowest few bidders are identified thus, there is a way to order or rank the bids); and ranking the evaluated bids according to the ranking algorithm (Huberman, col 3, lines 54-60; col. 4, lines 9-11, inherently there is a ranking algorithm because the lowest

bidder or the lowest few bidders are identified thus, there is a way to order or rank the bids).

Re Claim 14: Huberman discloses a method comprising:

supplying the ranked bids to the client (Huberman, col. 4, lines 9-13); and receiving a selection of the winning bid from the client (Huberman, col. 4, lines 9-13).

Re Claim 15: Huberman discloses a method comprising selecting the winning bid from the ranked bids according to a standard algorithm (Huberman, col. 3, lines 54-60, the broker selects the winning bid from the bids ranked in terms of price, inherently there is a algorithm for this step).

Re Claim 16: Huberman fails to disclose the method of claim 15, wherein the standard algorithm includes weighting factors. Gindlesperger discloses a method wherein the standard algorithm includes weighting factors (Gindlesperger, col. 6, lines 33-36 and lines 54-58, In ranking the bids, weight is given to the number of vendors that have submitted a form disclosing vendor capability attributes, and the number of vendor's in the buyers bid pool that are approved for the transaction). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching Huberman, Sklut and Gindlesperger because both rank bids for printing and other document services and algorithms are used to compute order and/or ranking and weighting factors are used in statistics to distinguish between factors of varying degrees of importance.

Re Claim 17 Huberman discloses a method for controlling completion of a job ticket in a networked environment, wherein a plurality processors compete for selection to perform tasks related to the job ticket, comprising:

posting a notice in the environment for one or more of the one or more tasks(Huberman, col. 5, lines 4-6);

receiving bids from one or more of the plurality of processors for one or more of the one or more tasks (Huberman, col. 2, lines 65-66; col. 3, lines 1-4; col. 5, lines 4-6);

selecting a processor to complete a task based on the comparison (Huberman, col. 3, lines 54-60, the broker selects the supplier with the lowest bid);

a job identifier identifying the job request to which the job ticket is related (Huberman, col. 3, lines 43+- col. 4, line 20, Job Identifier is inherent. The invention allows for multiple customers (e.g., individuals, companies, government departments etc.) to use the service and multiple services to be performed (e.g., printing, scanning, searching etc.). In order to give customers a specific price quote for each of their jobs there would need to be a job identifier to distinguish among the multiple services and customers).

a service identifier identifying the job ticket service storing the job ticket (Huberman, col. 5, lines 15-19, e.g., name and internet address of the winning supplier);

a task section defining the job ticket (Huberman, col. 3, lines 43+- col. 4, line 20 eg. printing, scanning, interpretation, text and image recognition etc.); and

a control data section including at least programming to complete the job ticket (Huberman, col. 10, lines 3-18; col. 13, lines 12-36, "customer process 210a and

supplier process 220a can execute the transaction automatically..." Inherently, there is a control data section including at least programming to complete the job ticket).

Huberman fails to disclose a method further comprising:

wherein the job ticket is stored as an object;

defining one or more tasks to complete the job ticket; assigning performance criteria for each of the one or more tasks; and comparing the received bids for one or more of the one or more tasks to the assigned performance criteria.

Sklut discloses a method comprising:

wherein the job ticket is stored as an object (Sklut, abstract, col. 5, lines 52+ - col. 7, line 51; col. 13, lines 65+ - col. 14, lines 17; col. 15, lines 30-53).

Sklut fails to explicitly disclose a method comprising:

defining one or more tasks to complete the job ticket; assigning performance criteria for each of the one or more tasks; and comparing the received bids for one or more of the one or more tasks to the assigned performance criteria.

Gindlesperger discloses a method for controlling completion of a job ticket in a networked environment, wherein a plurality processors compete for selection to perform tasks related to the job ticket, comprising:

defining one or more tasks to complete the job ticket (Gindlesperger, col. 5, lines 6-10); assigning performance criteria for each of the one or more tasks (Gindlesperger, col. 5, lines 2-6, the buyers in his request for bid has vendor selection criteria; col. 5, lines 7-10; col. 6, lines 65-67; col. 7, lines 1-16, vendor capability data evaluates vendors on industry standard evaluation criteria);

comparing the received bids for one or more of the one or more tasks to the assigned performance criteria (Gindlesperger, col5, lines 6-10, The vendor selection criteria is the tasks the buyer wants to have performed and serves as the minimum performance criteria, and it is even taken from the invitation-for-bid submitted by the buyer. Vendors, as part of their bid, must address vendor capabilities which is their ability to satisfy the industry criteria generally and the vendor selection criteria specifically. The buyer and vendor data is compared).

Also, the job ticket is non-functional descriptive material. Nothing is done with the job ticket once it is stored and it has no effect on functionality. Thus, the manner in which the job ticket is stored (i.e., as an object) is irrelevant and since the specific attributes of the job ticket (i.e., job identifier, service identifier, task section, control data section) do not have functionality these features are not given patentable weight. See MPEP § 2106.01 [R-5].

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Huberman, Sklut and Gindlesberger because clients (e.g., clients of printing/document services) typically require multiple tasks to be completed in bundles (e.g., printing, shipping, binding) and posting notices improves competition and makes the process more cost effective and the client is requesting the completion of a job, and a client will not choose a business that is unable to fulfill the requirements of the job. One would have been motivated to maintain quality by emphasizing the modularity available with objects and object-oriented programming.

Re Claim 18: Huberman fails to disclose the method of claim 17, wherein the performance criteria includes a minimum performance criteria; and wherein the comparing step comprises:

comparing the received bids for the one or more tasks to the minimum performance criteria and discarding any bid that does not meet the minimum performance criteria.

Gindlesperger discloses a method, wherein the performance criteria includes a minimum performance criteria, and wherein the comparing step comprises:

comparing the received bids for the one or more tasks to the minimum performance criteria (Gindlesperger, col. 5, lines 6-10, The vendor selection criteria is the tasks the buyer wants to have performed and serves as the minimum performance criteria, and it is even taken from the invitation-for-bid submitted by the buyer. Vendors, as part of their bid, must address vendor capabilities which is their ability to satisfy the industry criteria generally and the vendor selection criteria specifically. The buyer and vendor data is compared) and

discarding any bid that does not meet the minimum performance criteria (Gindlesperger, col. 5, lines 6-10, Gindlesperger mentions what is required for the bids “qualify for, and to receive, a vendor’s invitation-for-bid.” In the alternative, the bids that do not qualify must be discarded).

It would have been obvious to one of ordinary skill in the art at the time of the invention combine the teachings of Huberman, Sklut and Gindlesperger because the client is requesting the completion of a job, and a client will not choose a business that

is unable to fulfill the requirements of the job. Thus, it would make sense to discard the bids that do not meet the requirements of the job.

Re Claim 19: Huberman fails to disclose the method of claim 17, wherein the performance criteria comprises a plurality of performance factors, and further comprising weighting selected one of the plurality of performance factors. Gindlesperger discloses a method, wherein the performance criteria comprises a plurality of performance factors, and further comprising weighting selected one of the plurality of performance factors (Gindlesperger, col. 5, lines 6-10, The vendor selection criteria comprises a plurality of factors, namely the vendors ability to perform the required tasks. Furthermore, weight must be given to these factors because the number of vendors meeting the minimum approval is tracked along with whether vendor capability data attribute data was received). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings Huberman and Sklut by adopting the teachings of Gindlesperger because clients (e.g., clients of printing/document services) typically require multiple tasks to be completed in bundles (e.g., printing, shipping, binding) and weighting factors are used in statistics to distinguish between factors of varying degrees of importance.

Re Claim 20: Huberman fails to disclose the method of claim 17, wherein the selecting step comprises: ranking the received bids based on the comparison, wherein a bid that is closest to the performance criteria has a best ranking; and selecting a bid that has the best ranking. Gindlesperger discloses a method, wherein the selecting step comprises: ranking the received bids based on the comparison, wherein a bid that

is closest to the performance criteria has a best ranking (Gindlesperger, col.5, lines 24-27 and 32-35); and selecting a bid that has the best ranking (Gindlesperger, col.5, lines 24-27 and 32-35). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings Huberman and Sklut by adopting the teachings of Gindlesperger because ranking can be based on any criteria. For example, ranking can be based on price, quality of service, number of service/product options, ability to fulfill job tasks etc. depending on what the objective for the ranking is.

Re Claim 21: Huberman discloses a machine-readable program storage device, tangibly embodying a program of instruction executed by a machine in a networked environment wherein a plurality of processors compete for selection to perform tasks related to a job ticket, the program of instructions performing method steps for controlling completion of the job ticket the method steps (Huberman, abstract, col. 5, lines 61-67, Huberman discloses the use of computers in a network. Inherently, the computer possess a storage device., and embodies the program), comprising: posting a notice in the environment for one or more of the one or more tasks (Huberman, col. 5, lines 4-6); receiving bids from one or more of the plurality of processors for one or more of the one or more tasks (Huberman, col. 2, lines 65-66; col. 3, lines 1-4; col. 5, lines 4-6); and selecting a processor to complete a task based on the comparison (Huberman, col. 3, lines 54-60, the broker selects the supplier with the lowest bid); a job identifier identifying the job request to which the job ticket is related (Huberman, col. 3, lines 43+- col. 4, line 20, Job Identifier is inherent. The invention allows for

multiple customers (e.g., individuals, companies, government departments etc.) to use the service and multiple services to be performed (e.g., printing, scanning, searching etc.). In order to give customers a specific price quote for each of their jobs there would need to be a job identifier to distinguish among the multiple services and customers). a service identifier identifying the job ticket service storing the job ticket (Huberman, col. 5, lines 15-19, e.g., name and internet address of the winning supplier); a task section defining the job ticket (Huberman, col. 3, lines 43+- col. 4, line 20 eg. printing, scanning, interpretation, text and image recognition etc.); and a control data section including at least programming to complete the job ticket (Huberman, col. 10, lines 3-18; col. 13, lines 12-36, "customer process 210a and supplier process 220a can execute the transaction automatically..." Inherently, there is a control data section including at least programming to complete the job ticket).

Huberman fails to explicitly disclose:
wherein the job ticket is stored as an object;
defining one or more tasks to complete the job ticket;
assigning performance criteria for each of the one or more tasks; and
comparing the received bids for one or more of the one or more tasks to the assigned performance criteria.

Sklut discloses:
wherein the job ticket is stored as an object (Sklut, abstract, col. 5, lines 52+ - col. 7, line 51; col. 13, lines 65+ - col. 14, lines 17; col. 15, lines 30-53).

Sklut fails to explicitly disclose:

defining one or more tasks to complete the job ticket;
assigning performance criteria for each of the one or more tasks; and
comparing the received bids for one or more of the one or more tasks to the assigned
performance criteria.

Gindlesperger discloses a method further comprising:

defining one or more tasks to complete the job ticket (Gindlesperger, col. 5, lines 6-10);
assigning performance criteria for each of the one or more tasks (Gindlesperger, col. 5,
lines 2-6, the buyers in his request for bid has vendor selection critieria; col. 5, lines 7-
10; col. 6, lines 65-67; col. 7, lines 1-16, vendor capability data evaluates vendors on
industry standard evaluation criteria);
and comparing the received bids for one or more of the one or more tasks to the
assigned performance criteria (Gindlesperger, col5, lines 6-10, The vendor selection
criteria is the tasks the buyer wants to have performed and serves as the minimum
performance criteria, and it is even taken from the invitation-for-bid submitted by the
buyer. Vendors, as part of their bid, must address vendor capabilities which is their
ability to satisfy the industry criteria generally and the vendor selection criteria
specifically. The buyer and vendor data is compared).

Also, the job ticket is non-functional descriptive material. Nothing is done with
the job ticket once it is stored and it has no effect on functionality. Thus, the manner in
which the job ticket is stored (i.e., as an object) is irrelevant and since the specific
attributes of the job ticket (i.e., job identifier, service identifier, task section, control data

section) do not have functionality these features are not given patentable weight. See MPEP § 2106.01 [R-5].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Huberman, Sklut and Gindlesperger because clients (e.g., clients of printing/document services) typically require multiple tasks to be completed in bundles (e.g., printing, shipping, binding) and posting notices improves competition and makes the process more cost effective and the client is requesting the completion of a job, and a client will not choose a business that is unable to fulfill the requirements of the job. One would have been motivated to maintain quality by emphasizing the modularity available with objects and object-oriented programming.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huberman, U.S. Pat. No. 6,078,906 and Sklut, U.S. Pat. No. 5,790,119 in view of Meltzer, U.S. Pat. No. 6,125,391.

Re Claim 8: Huberman fails to disclose an apparatus, wherein the job ticket is a XML object. Meltzer discloses wherein the job ticket is a XML object (Meltzer, abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Huberman and Sklut by adopting the teachings of Meltzer because as Meltzer suggests XML based documents can be understood among different entities (e.g., businesses and their suppliers, customers etc.), the definitions tell what services the company offers etc.

Response to Arguments

Applicant argues, Huberman does not teach storing a job ticket as an object.

Applicant's argument has been considered but is moot in view of the new ground(s) of rejection.

Applicant argues, Huberman does not teach an object including a service identifier as in the claimed invention

Huberman shows:

- a service identifier identifying the job ticket service storing the job ticket (Huberman, col. 5, lines 15-19, e.g., name and internet address of the winning supplier).

Applicant argues, Huberman does not disclose a control data section including at least programming.

Huberman shows:

- a control data section including at least programming to complete the job ticket (Huberman, col. 10, lines 3-18; col. 13, lines 12-36, "customer process 210a and supplier process 220a can execute the transaction automatically..." Inherently, there is a control data section including at least programming to complete the job ticket).

Also, the job ticket is non-functional descriptive material. Nothing is done with the job ticket once it is stored and it has no effect on functionality. Thus, the manner in which the job ticket is stored (i.e., as an object) is irrelevant and since the specific attributes of the job ticket (i.e., job identifier, service identifier, task section, control data

section) do not have functionality these features are not given patentable weight. See MPEP § 2106.01 [R-5].

Furthermore, regarding the apparatus claims, Examiner that applicant is only arguing that functional differences (i.e., identifying the job request, identifying the job ticket service, defining the tasks in the job ticket and completing the job ticket) between the claims and the prior art references of Huberman, Gindlesperger and/or Meltzer. While features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. In re Schreiber, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997); see also In re Swinehart, 439 F.2d 210, 212-13, 169 USPQ 226, 228-29 (CCPA 1971); In re Danly, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). Hewlett-Packard Co. v. Bausch & Lomb Inc., 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990) (emphasis in original).

Conclusion

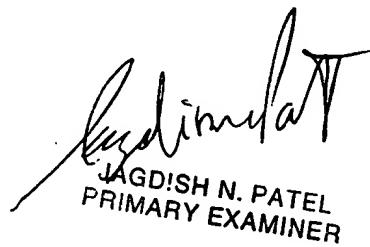
Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Chandler whose telephone number is 571-272-1186. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMC



JAGDISH N. PATEL
PRIMARY EXAMINER